

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Michael Melendez,
Phyllis Melendez,

Debtors.

Case No. 18-17608-AMC
Chapter 13

Motion for Order to Show Cause

Debtors Michael Melendez and Phyllis Melendez, through their attorney, move this Court as follows:

1. On December 27, 2018, U.S. Bank N.A. filed Claim No. 2 for the mortgage on the Debtors' primary residence.

2. The claim was later transferred from U.S. Bank to Specialized Loan Servicing LLC, and a notice was properly filed as required by Fed. R. Bankr. P. 3001(e). ECF No. 44.

3. On or about May 2, 2024, Claim No. 2 was apparently transferred to NewRez LLC d/b/a Shellpoint Mortgage Servicing. Exhibit A.

4. As of this date, NewRez has not filed the notice of transfer required under Rule 3001(e).

5. On July 26, 2024, NewRez improperly returned a payment from the Debtors without applying it to their account. Exhibit A. NewRez's failure to file a Rule 3001(e) notice hinders the undersigned attorney's ability to contact NewRez's attorney to resolve this problem.

6. The Court must order NewRez to show cause why it should not be sanctioned for failure to comply with the Federal Rules of Bankruptcy Procedure.

7. Alternatively, the Court should sanction NewRez for failure to comply with the Federal Rules of Bankruptcy Procedure.

For those reasons, the Court must grant relief in the form of order attached, and further in the Debtors' favor if necessary and proper under the law.

Date: August 15, 2024

CIBIK LAW, P.C.
Attorney for Debtors

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